



Atty. Dkt. No. 060953-0137

DFW

Applicant: Werner BACK et al.

Title: PROTEIN-CONTAINING PREPARATION WHICH CAN BE  
BIOTECHNOLOGICALLY PRODUCED, METHOD FOR THE  
PRODUCTION THEREOF, AND USE OF THE SAME AS A  
FOOD INGREDIENT

Appl. No.: 10/528,191

International Filing Date: 10/10/2003

371(c) Date: 11/08/2005

Examiner: Unassigned

Art Unit: 1761

Confirmation Number: 6627

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

A translation of the claims of EP 1 024 706 is included. An English translation of the entire foreign-language document is not readily available. However, the absence of a full translation does not relieve the PTO from its duty to consider the submitted foreign language document (37 CFR §1.98 and MPEP §609).

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date 11 September 2006

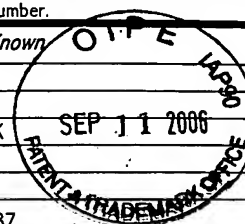
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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  Date Submitted: September 11, 2006  <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/528,191	
			Filing Date	10/10/2003	
			First Named Inventor	Werner BACK	
			Group Art Unit	1761	
			Examiner Name	Unassigned	
			Attorney Docket Number	060953-0137	
Sheet	1	of	1		



## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	B1	EP	1 024 706	B1	FRAUNHOFER-GESELLSCHAFT ZUR FÖRDERUNG DER ANGEWANDTEN FORSCHUNG E.V.	10/8/1998		

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	B2	P. SCALABRINI et al., "Characterization of <i>Bifidobacterium</i> strains for use in soymilk fermentation", International Journal of Food Microbiology 39 (1998) pp. 213-219.	
	B3	Hwa L. WANG et al., "LACTIC ACID FERMENTATION OF SOYBEAN MILK", J. Milk Food Technol., Vol. 37, No. 2, (1974) pp. 71-73.	
	B4	E. Richard BUCKER Jr. et al., "LACTIC FERMENTATION OF PEANUT MILK", JOURNAL OF FOOD SCIENCE, Vol. 44 (1979) pp. 1534-1538.	
	B5	L.R. BEUCHAT et al., "FERMENTATION OF PEANUT MILK WITH <i>Lactobacillus bulgaricus</i> AND <i>L. acidophilus</i> ", JOURNAL OF FOOD SCIENCE, Vol. 43 (1978), pp. 1109-1112.	
	B6	A.I. NELSON et al., "ILLINOIS PROCESS FOR PREPARATION OF SOYMILK", JOURNAL OF FOOD SCIENCE, Vol. 41, pp. 57-61.	
	B7	K.M. KAMALY, "Bifidobacteria fermentation of soybean milk", Food Research International, Vol. 30, No. 9, pp. 675-682, 1997.	
	B8	Werner BACK et al., "Lactobacillus perolens sp. nov., a Soft Drink Spoiling Bacterium", Systematic and Applied Microbiology, 22, (1999), pp. 354-359.	
	B9	Elizabeth CAPLICE et al., "Food Fermentations: role of microorganisms in food production and preservation", International Journal of Food Microbiology, 50, (1999) pp. 131-149.	
	B10	M.C. JIMÉNEZ et al., "PRODUCING MILK- AND YOGURT-LIKE PRODUCTS FROM <i>LUPINUS CAMPESTRIS</i> SEED", Proceedings 9 <sup>th</sup> International Lupin Conference, pp. 442-445 (1999).	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.